IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

R.S.A. No. 1692 of 2006 (O&M)

DATE OF DECISION : 17.04.2007

Angrej Singh

.... APPELLANT

Versus

State of Haryana and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. K.D.S. Hooda, Advocate,
for the appellant.

Out of twelve plaintiffs, one Angrej Singh has filed this Regular Second Appeal against the judgments and decree passed by both the courts below, whereby suit of the plaintiffs for declaration and permanent injunction has been dismissed.

I have heard counsel for the appellant.

17 kanals 8 marlas of land of the plaintiffs was acquired by the State under the Land Acquisition Act for rehabilitation of the scheduled caste in the village. After eleven years of the said acquisition, the aforesaid suit was filed by the plaintiffs, which has been dismissed on the ground of limitation as well as on the ground that possession of the land had already been taken by the Gram Panchayat, for whom it was acquired.

This appeal has been filed after a delay of 3 years and 78 days. In the application for condonation of delay, it has been stated that since the appellant was suffering from mental ailment, therefore, the appeal could not be filed within time. Except the affidavit of the appellant, no other material showing the mental ailment of the appellant has been annexed with the application. Even otherwise, there are other plaintiffs, who could have filed the appeal.

Keeping in view the aforesaid facts, I am of the opinion that the long delay of 3 years and 78 days in filing the appeal has not been explained by the appellant, satisfactorily. Hence, this appeal is dismissed on the ground of limitation.

April 17, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**